

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

Eastern DIVISION Massachusetts

RECEIPT # 54951
AMOUNT \$ 150
SUMMONS ISSUED X-10
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. 10
DATE 4-1-09

04cv _____

HENRY J.GRAVES HRG ASSOCIATED
ALLIANCES REAL ESTATE SCHOOLS INC.
HENRY J.GRAVES

Plaintiffs'

v.

DAERYL D.MALDEN LAW OFFICE LP
DARYL D. MALDEN
DEVINE BARROWS DEVINE LP.
THE MORTGAGE COMPANY INC.
PRESIDENT
NUR MOHOMMED
ALLSTATE MORTGAGE COMPANY
COMMONWEALTH OF MASSACHUSETTS
DENISE R. ALLEN

Defendants'

04-10634 MEL

MAGISTRATE JUDGE Bouler

~~CONTRACT~~

Complaint,

HENRY J.GRAVES HRG ASSOCIATED ALLIANCES REAL ESTATE SCHOOLS INC. Listing agent exclusive agent to sell said real estate of Denise R. ALLEN of 93 Normandy street Roxbury-Dorchester,Massachusetts Property to sell address is same 93 Normandy street Roxbury-Dorchester,Massachusetts.

1. Listing price Ms Allen;Denise R. said she wanted three hundred fifty thousands (\$350,000.00) dollars. Cash sales.

2. Henry J.Graves is and employee of HENRY J.GRAVES HRG ASSOCIATED ALLIANCES REAL ESTATE SCHOOLS NC. He is also a real estate broker and and officer of the Corporation

3. The Schools and offices' is located at 67-69 Devon street Roxbury-Dorchester, Massachusetts

4. The property was advertize by word of mouth,because Ms. Allen says she dose not want to move right away.

5. A Purchase and Sale was executed by Mr. Carlton Brown and Mrs Patricia Brown, the buyers. With a reasonable deposit, because Carlton Brown and Patricia Brown says that the mortgage was not a problem. The Deposit was in the amount of five thousand (\$5,000.00) dollars in two payment as follows the offer to purchase Was brought to Ms. Denise Allen. And she exceptd then the P&S with additional deposit of four thousand (\$4,000.00) dollars Ms. Allen;Denise R. and I went over the P&S Agreement. Ms. Allen signed the agreement,I Henry J. Graves signed the agreement, and the Buyers, Mr. Brown:Carlton and Mrs Brown; Patricia signed the agreement

6. Mr. & Mrs Brown went forth to the mortgage Company Inc. with and office at 121 Tremont street suite 2b for a mortgage Mr. NUR Mohommed is employed by the Mortgage Company Inc. for a mortgage.

7. The Five Thousand (\$5,000.00) dollars held By Henry J.Graves HRG ASSOCIATED ALLIANCES REAL ESTATE SCHOOLS INC. In and account.

8. Ms. Denise R. Allen the Call our office and wanted Henry J.Graves to come see She, and appointment was made. I Henry J.Graves Went to see "SHE" Ms Allen. She says that because her home was bein sold she paid some some bills and was falling behind in her mortgage payment one of her bill was the Boston Water and Sewer Commission, plus one of her tenant move out, and the other required some miner repairs which had to be fixed. Ms Allen; Denise R. wanted the deposit 9Earnest Money;paid by the purchaser) I, advised she that was not a goog ideal,however it was not my decision alone it shall other than the schools and Companies, The Buyers would have to approved the release of any fund.

9. I discuss the lissue internal and then with the Buyers Mr. Brown he aver it was ok, with he, I asked what about Mrs Brown? Mr. Brown said "He" asked and call back.

10. Ms Allen continue to call before Mr Brown answered, and I would always advise "She" it is not normal, however if the Browns' ok the release, the schools and Companies would have the Browns to release the same amount "She" received.

11. Mr and Mrs Brown allowed the two thousand (\$2,000.00) to Ms. Denise R. Allen and two Thousand (\$2,000.00) dollars to HENRY J.GRAVES HRG ASSOCIATED ALLIANCES real estate schools inc. Mrs Allen was Issued a check for two thousand (\$2,000.00) dollars in which she process."cash".

12. Later Ms Denise R Allen Call and said that A Mr. Malden will be clling Me. I, said fine, presuming that this is a prospect who herd that Her home was for sale and She refer He here. Weeks pass and no call from Mr. Malden. So I call Ms. Allen; Denise R. and asked did she talk with Mr. Malden anymore, she said no, I further asked she how did Mr. Malden learn of the property for sale.

13. Ms. Enise R. Allen then inform Me That "Malden; Daryl D." was and Attorney and that He was going to render legal service for she at closing. An she could not understand why He "Malden " has not call.

14. A shart time (days) Mr. Malden Call and asked to speak to Mr.Graves. I henry J. Graves answer and asked who is calling, He says Attorney Malden, and He is Ms

Allen attorney, great I reply, and how may I help you. Send Me the paperworks, I asked didn't you said that you were employed by Ms Denise R. Allen which is also Our Client. Mr. Malden I says you work for Ms. Allen what happen with the paper she gave you? Go to She and get your papers. Ad call back.

15. A few days later I, contact Ms.Allen and informed "she" That A. Mr Daryl D. Malden called, He wanted the paperwork, why would he asked 'uS" Din't you give Malden the papers. "She "says no, that she only talk to he on the telephone and every time she make and an appointment He would move it back because He will be in Court at that time.

16. Mr. Malden and Ms. Allen met. And Ms Allen informed Me of this. And for weeks I did not here from attorney Malden, and informed d"She pf this, Ms Allen also aver she was not able to reach Malden, only his answering services.

17. Time became of essance I contact Mr. Brown;Carlton, to get a status on the Mortgage processing and have He talk with THE MORTGAGE COMPANY INC. Mr. Brown say's yes and that Mr. Mohommed say's every thang is well and that we should be passing soon, I then asked was THE MORTGAGE COMPANY INC. was The Lender, Mr. Brown say's He was not sure but Mr Mohommed business card ais Mr. Mohommed was vice-President; I asked Mr. Brown to asked Mr. Mohommed to call 'US" Mohommed Secretary call I spoke with She, and She say's THE MORTGAGE COMPNY WAS THE LENDER and passing shall be soon. So I wanted to know who was the attorney for the Lender. And have the appraisal been completed. Mr. Mohommed and who is the appraisal? That appraisal has not been completed and that I must call the Appraisal to set up and appointment

18. I informed Mr. Mohommed that the appraisal shall call here, or He must call the appraisal and get and appoint time (ies) fot the appraisal.

19. I, now asked for the attorney name for the lender and He say's Michael Barrow

20. Malden; Daryl D. now dose not want to pay the six percent commission,He

say's that his fee is not even half that amount; and the the only reason he taken the

case is because Ms. Allen; Denise R. and He is member of the same church, Malden

also say's that or all the agent real estate people is getting three (3%) and that is all

I shall get He will speak with his client; that II took advantage of his client, his client

dose not know that and that the property I worth a lot more than that. Malden also

say's I was suppose to appraised the Allen Home. He then went into suing under c-

93A. And made numberis other threats.

20. I Henry J.Graves contact DEVINE BORROWS DEVINE LP. LAW FRIM. And spoke to Michael Barrows. The Lender attorney, to see the status of the mortgage application and or the approximately collising date where as is was approaching the dealine and No appraisal was made, I also wantd to concirmed that the mortgahe COMPANY INC. was the Lender, and who was his employer. Borrows say's The MORTGAGE COMPANY INC.was the lender. And that I was fishing. And should talk with Mohommed.

21. Going Back to Mohommed, Mr. Mohommed say's that THE MORTGAGE COMPANY INC. have fifty leder's and ALSTATE MORTGAGE CO. is the lender for Carlton Brown and Patricia Brown. Ad that he trying to set up A date for closing.

22. Ms. Allen;Denise R. was not answering Her calls from here. For three or four days, and then Ms Allen Call and said She was a patient at Massachusetts General Hospital and shall be release the next day but will not be a home, bec ause She shal go from MGH to The Bostonia House for a few day's Ms Allen; Denise R. aver her sickness did not make her incompetient She was still with right mind. And in self control. Time was within day of experation of the commitment of the mortgage And a passing date set. To Cover Ms. Denise R. Allen and "US" I explained to Ms Allen and extention would be on the safe side. She was having time contacting

punitive damages

27. Criminal is reserve for further investigation. Cost for special investigation and fear of the threats made by Malden who avers' Barrows also made same Michael did made slanders remark to me and I am told DEVINE BARROWS DEVINE has rescue theirself as legal counsel of Mohommed;HUR; THE MORTGAGE COMPANY INC.; ALLSATATE MORTGAGE COM. ET AL.

28. Mr. Carlton Brown; Mrs Patricia Brown Say's That He and She have also paid Allstate Morthage Compny Twelth Thousand five hundred (\$12,500.00) dollars for private mortgage Insurance.

29. Mr. Carlton Brown and Mrs Patricia Brown say's that fifteen hundred dollars was paid to Mohommed; NUR. When Mohommed took the application as a processing application fee.

29. Attorney Daryl D. Malden call and appologzie for his action of threats

30. Attorney Malden call and proposition a proposal paying Me some money not to bring any civil suite or sue any of the defendents involved.

31. Attorney Malden call and left a message with one of the officer, an offer was fax to Malden and his partner

32. Mr Malden Informed Me that He shall have policeme's at the closing and that

his partner have been talking with Mr. Brown and on behalf of Mrs Brown to Mr Brown, also that Mr Brown avers' that a police Captain has contact he about the five thousand He alledge that the captain avers Malden sent He.

33. Be informed that above mention in number 11 Ms. Denise R. Allen have already spend two thousand (\$2,000.00) dollars of the five thousad (\$5,000.00) dollars lond before the notice of foreclosure by the federal National mortgage Corp. A federal Agency. Gliving all plaintiffs' a lein secondary and that chapter 244 of Massachusetts general laws.

34 It dose appears that a legal malpractice civil action is available to Denise R. Allen et al. do to Attorney Malden and DEVINE BARROWS DEVINE

HENRY J.GRAVES HRG ASSAOCIATED ALLIANCES

REAL ESTATE SCHOOLS IN:

Henny J.Graves Individual:

By  *Henry J. Graves*

HENRY J.GRAVES HRG ASSOCIATED ALLIANCES OF

REAL ESTATE AND HIGHER EDUCATION A

LEARNING UNIVERSITY CORP.LEGAL INSTITUTE
67-69 Devon street
Post Office Box 960221
Boston,Massachusetts 02±96
Telephone 617-541-0484 or 427-0214

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS HENRY J. GRAVES HRG
ASSOCIATED ALLIANCES REAL ESTATE
SCHOOLS INC.

HENRY J. GRAVES

(b) County of Residence of First Listed Plaintiff SUFFOLK
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS DARYL D. MALDEN LAW OFFICE
LP.

DARYL D. MALDEN

SUFFOLK

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

HENRY J. GRAVES HRG ASSOCIATED ALLIANCES
OF REAL ESTATE AND HIGHER EDUCATION A
LEARNING UNIVERSITY CORP LEGAL INSTITUTE

Attorneys (If Known)

90 Warren Street
Roxbury, Massachusetts 02120
617-

~~67-67 Devon St. PO Box 960221 Boston, Ma~~

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties
in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff
and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 DEF Incorporated or Principal Place
of Business in This State ☐ 4 ☐ 4 DEF
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place
of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment <input type="checkbox"/> 151 Enforcement of <input type="checkbox"/> 152 Recovery of Defaulted <input type="checkbox"/> 153 Recovery of Overpayment <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product <input type="checkbox"/> 320 Assault, Libel & <input type="checkbox"/> 330 Federal Employers' <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury— <input type="checkbox"/> 365 Personal Injury— <input type="checkbox"/> 368 Asbestos Personal <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal <input type="checkbox"/> 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DOW C/DOW W (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ <input type="checkbox"/> 875 Customer Challenge <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of <input type="checkbox"/> 900 Appeal of Fee <input type="checkbox"/> 950 Constitutionality of <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal <input type="checkbox"/> 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DOW C/DOW W (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff <input type="checkbox"/> 871 IRS—Third Party <input type="checkbox"/> 26 USC 7609

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause.
Do not cite jurisdictional statutes unless diversity.)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HENRY J. GRAVES HRG ASSOCIATED

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY)
ALLIANCES REAL ESTATE SCHOOLS INC. v. CARYL D. MALDEN LAW FIRM LLP

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- 170 III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

04cv10634 MEL

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME HENRY J. GRAVES PRO. SE. ADVOCATEADDRESS 67-69 Devon St. P.O. Box 960221 Boston, Massachusetts 02196TELEPHONE NO. Telephone 617-541-0484 or 6170427-0214